

EXHIBIT D

Excerpts from the August 15, 2022 Deposition of Dr. Fifield

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION
CIVIL ACTION NO. 3:21-cv-03302-JMC-TJH-RMG

THE SOUTH CAROLINA STATE)
CONFERENCE OF THE NAACP,)

and)

TAIWAN SCOTT, on behalf of)
himself and all other similarly)
situated persons,)

Plaintiffs,)

v.)

HENRY D. MCMASTER, in his)
official capacity as Governor)
of South Carolina; THOMAS C.)
ALEXANDER, in his official)
capacity as President of the)
Senate; LUKE A. RANKIN, in his)
official capacity as Chairman)
of the Senate Judiciary)
Committee; JAMES H. LUCAS, in)
his official capacity as Speaker)
of the House of Representatives;)
CHRIS MURPHY, in his official)
capacity as Chairman of the)
House of Representatives)
Judiciary Committee; WALLACE)
H. JORDAN, in his official)
capacity as Chairman of the)
House of Representatives)
Elections Law Subcommittee;)
HOWARD KNAPP, in his official)
capacity as interim Executive)
Director of the South Carolina)
State Election Commission; JOHN)
WELLS, Chair, JOANNE DAY,)
CLIFFORD J. EDLER, LINDA MCCALL,)
and SCOTT MOSELEY, in their)
official capacities as members)
of the South Carolina Election)
Commission,)

Defendants.)

**VIDEO CONFERENCE
DEPOSITION**

OF

BENJAMIN HABER FIFIELD

Pursuant to Rule 30 of the Federal Rules of Civil Procedure, the within cross-noticed deposition of **Benjamin Haber Fifield** was taken by Counsel for Defendants James H. Lucas, Chris Murphy, and Wallace H. Jordan, cross-noticed by Plaintiffs' Counsel, at the hour of 10:02 a.m. on Monday, August 15, via Zoom, with the witness located in Brookline, Massachusetts, attended by counsel as follows:

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1 Objection; First Amendment. You can answer at
2 a high level.

3 **WITNESS ANSWERS:**

4 A. Yes, I do know what Ms. Sanchez's role was.

5 **EXAMINATION RESUMED BY MR. PARENTE:**

6 Q. Okay. And at a high level, what's your
7 understanding of her role?

8 A. She -- she also assisted the legal team in various
9 technical questions.

10 Q. Okay. Are you still in touch with Ms. Sanchez?

11 A. I am.

12 Q. Okay. All right. So -- all right. So, you
13 mentioned that you directly reported to Brooke and
14 Brooke is not an attorney. Was -- was any of your
15 work directed by attorneys?

16 A. Yes.

17 Q. Okay. Was the entirety of what you did at the ACLU
18 directed by attorneys?

19 A. No.

20 Q. Okay. And just for the record, you are not an
21 attorney; is that correct?

22 A. I am not an attorney.

23 Q. All right. And you're no longer at the ACLU now, is
24 that right?

25 A. I'm no longer at the ACLU.

1 A. I think I might have been frozen as well. I'm
2 sorry. Could you repeat the question that I was
3 potentially frozen for?

4 Q. Yes. Were you involved in the drafting of this
5 report?

6 A. Could you just define drafting for me briefly?

7 Q. Yeah. Did you write any of the words that ended up
8 in this report?

9 A. I don't recall.

10 Q. Were you involved in sending data to Dr. Imai for
11 this report?

12 A. Yes.

13 Q. Okay. Are you aware that both the articles that we
14 spoke about earlier are cited in this report?

15 A. I was not aware of that.

16 Q. Okay. So, you said you did provide data to Dr. Imai
17 for this report. Do you recall what kind of data
18 you provided to Dr. Imai?

19 A. Yes.

20 Q. Okay. And what kind of data was that?

21 A. It was demographic and electoral data.

22 Q. And where did you get that data from?

23 A. Could you clarify the question? Do you mean where
24 did I get the data that I provided to him directly
25 or raw sources or...?

1 Q. Okay. Do you have a NAACP LDF email address?

2 A. I do not.

3 Q. Okay. So this is on March 24th of this year. It
4 looks like you emailed Dr. Liu revised datasets are
5 up on the sharepoint here. Do you recall sending
6 Dr. Liu data around March 24th?

7 A. I don't recall the exact date, but probably around
8 here.

9 Q. Okay. The subject of this email says urgent
10 request. Do you recall what the urgent request was?

11 A. I don't.

12 Q. Okay. You also mention that you're sending revised
13 datasets. Do you remember if there was an original
14 dataset, also?

15 A. It's hard to recall any one transfer of data, you
16 know, so I don't recall a particular exchange of an
17 original dataset.

18 Q. Okay. Do you know what datasets you were sending to
19 Dr. Liu here?

20 A. Those were datasets for the analysis he conducted at
21 the ask of counsel.

22 Q. Okay. And do you know what analysis Dr. Liu
23 conducted?

24 A. I can't speak exactly to the (technical
25 interruption).

1 and another R package called SF.

2 Q. Okay. Would you mind giving us just a quick
3 description of each of those packages?

4 A. Sure. Dplyr is a kind of almost universally used
5 within the R programming community as a way of
6 processing and summarizing and cleaning data. And
7 SF is a commonly used set of tools for processing
8 and manipulating geographic data specifically.

9 Q. Okay. And were you the only one involved in rolling
10 up the data to the 2020 VTD level?

11 A. To the best of my knowledge, yes.

12 Q. Okay. Do you know if Dr. Duchin would have verified
13 any of the steps that you took in rolling up the
14 data to the 2020 VDT level?

15 A. I can't know for sure.

16 Q. Okay. Did you provide Dr. Duchin with any --
17 directly with any raw data?

18 A. Could you define what you mean by raw data quickly?

19 Q. So, yeah. By raw data I mean, you know, directly
20 from the source. So, before we were talking about,
21 you know, downloaded data from the Census Bureau.
22 Do you recall any instances of, you know, in that
23 example, of sending data directly from the source to
24 Dr. Duchin?

25 A. I can't recall for sure. I don't believe so,

1 though.

2 Q. Okay. Do you believe that you sent any raw data
3 directly to any of the other two experts that we
4 mentioned, Dr. Imai and Dr. Liu?

5 A. I can't recall specifically for either of them.

6 Q. Okay. Do you believe that all of the data that you
7 sent to the experts involved at least some level of
8 processing?

9 BY MR. JONES:

10 Objection; form. You can answer.

11 WITNESS ANSWERS:

12 A. You know, it's very hard to account for at least
13 some form. I'm genuinely not sure.

14 EXAMINATION RESUMED BY MR. PARENTE:

15 Q. Okay. But you don't recall any instances where you,
16 for example, forwarded a dataset that came directly
17 from the Census or the state to these experts; is
18 that correct?

19 A. I don't recall a specific instance of forwarding
20 data like that.

21 Q. Okay. All right. And I think we've talked about
22 these sources of data before, but just to double-
23 check, incumbent addresses that you mentioned in the
24 second line, that information came from the
25 Redistricting Data Hub; is that correct?